

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MHN

Plaintiff(s)

FILED Law

08CV4981

JUDGE LEFKOW

MAG. JUDGE VALDEZ

SEP 02 2008

SEP 02 2008

MICHAEL W DOBBINS

CLERK, U.S. DISTRICT COURT

Defendant(s)

MOTION FOR APPOINTMENT OF COUNSEL

1. I, BRIAN JONES, declare that I am the (check appropriate box) ☒ plaintiff ☐ defendant in the above-entitled proceeding and state that I am unable to afford the services of an attorney, and hereby request the Court to appoint counsel to represent me in this proceeding.
2. In support of my motion, I declare that I have made the following attempts to retain counsel to represent me in this proceeding: I'VE WRITTEN ALAN MILLS OF THE PEOPLE'S LAW CENTER SEVERAL TIMES. AND SENT HIM ALL INFORMATION PERTAINING TO THIS SITUATION
3. In further support of my motion, I declare that (check appropriate box):
 - ☒ I am not currently, nor previously have been, represented by an attorney appointed by the Court in this, or any other civil or criminal proceeding before this Court.
 - ☐ I am currently, or previously have been, represented by an attorney appointed by this Court in the proceeding(s) described on the back of this page.
4. In further support of my motion, I declare that (check appropriate box):
 - ☐ I have attached an original Application to Proceed In Forma Pauperis detailing my financial status.
 - ☐ I have previously filed an Application to Proceed In Forma Pauperis in this proceeding and it is a true and correct representation of my financial status.
 - ☐ I have previously filed an Application to Proceed In Forma Pauperis in this proceeding; however, my financial status has changed and I have attached an amended Application to Proceed In Forma Pauperis to reflect my current financial status.
5. I declare under penalty of perjury that the foregoing is true and correct.


 Movant's Signature

P.O. Box 112

Street Address

JOLIET, IL 60434

City/State/Zip

Date: 6-23-08

As indicated in paragraph three on the front of this form, I am currently, or previously have been, represented by an attorney appointed by this Court in the following civil or criminal action(s):

Assigned Judge	Case Number
Case Title	
Appointed Attorney's Name	
If case is still pending , please check box: <input type="checkbox"/>	

Assigned Judge	Case Number
Case Title	
Appointed Attorney's Name	
If case is still pending , please check box: <input type="checkbox"/>	

Assigned Judge	Case Number
Case Title	
Appointed Attorney's Name	
If case is still pending , please check box: <input type="checkbox"/>	

Assigned Judge	Case Number
Case Title	
Appointed Attorney's Name	
If case is still pending , please check box: <input type="checkbox"/>	



National Alliance Against Racist & Political Repression/Chicago Branch

1325 S. Wabash Ave. Suite 105, Chicago, Illinois 60605 (312) 939-2750

www.naarpr.org

June 26, 2007

◆ **Steering Committee**

Clarice Durham

Ted Pearson

Co-Chairs

Josephine Wyatt

Treasurer

Finance Chair

Elizabeth Benson

Membership

Secretary

Norman Roth

Labor Outreach

Mr. Brian Jones, K56957
Stateville Correctional Center
Route 53
P.O. Box 112
Joliet, IL 60434

Dear Mr. Jones,

Thank you for your letter of May 3, 2007 regarding the misuse of drug testing by the IDOC. For your information I'm enclosing the instruction sheet from Express Diagnostics Int'l and PhamaTech, Inc., the manufacturers of the DrugCheck 5 and QuickScreen Test Cup. You'll see that they clearly state that the tests provide only preliminary data which should be confirmed by other methods such as gas chromatography/mass spectrometry (GC/MS).

I've spoken with a spokesman for Express Diagnostics, the vendor of the DrugCheck 5 Test Cup. He said that the IDOC has decided to accept the results of the DrugCheck 5 Test Cup as final, against the advice of the company. He said the reason they gave for this for this is the cost of supplemental tests.

I've also spoken with IDOC Director Roger Walker's office about this matter. Mr. Walker's Secretary said she'll bring this to the attention of the Director. You should file a grievance on this issue if you haven't already, and you can appeal a denial of your grievance to the Administrative Review Board in Springfield.

Keep in mind that "random drug tests" are frequently not random, but the result of someone reporting suspicion of drug use. Sometimes prison staff or another prisoner with a grudge or prejudice against you has been involved.

We think that the news media would be interested in this matter should it not be resolved fairly. Therefore, you may actually get a fair hearing in Springfield and the finding against you reversed and your privileges restored. Please continue to send us copies of grievances and appeals that you file, and we will try to stay on top of this issue.

I'm also enclosing three copies of an "Authorization for Release of Offender Medical Health Information" for you to sign. Normally this is done as part of our project to monitor the health care system of the IDOC and to gather evidence of denial of adequate care. Possible legal action may result, although it would not yield any monetary benefit for anyone. In this case, however, such records may also reveal evidence of invalid drug testing. If you'd like to participate, please sign all three, give one to the Medical Records Director at Stateville CC and send one back to us.

Thank you very much. We all wish you the best, and we'll stay in touch.

Yours, in struggle,

Ted Pearson

UPTOWN PEOPLE'S LAW CENTER
4413 NORTH SHERIDAN • CHICAGO, IL 60640
773 • 769 • 1411 FAX 773 • 769 • 2224

July 19, 2007

Mr. Brian Jones, K56957
Stateville Correctional Center
Route 53
P.O. Box 112
Joliet, IL 60434


Dear Mr. Jones,

Received your letter dated July 5th in good order. The issue surrounding that drug testing cup is something we've been looking into so we appreciate the information. We do, however, have probably the same information you have about the cup, so you don't need to send what you have.

What's going on with your retaliation situation? You had recently written saying that you were in seg and hadn't had a hearing yet after 60 days...are you still waiting?

Let us know how things are going over there, and get those grievances and ARB reports to us when you can.

Take care and stay strong,


Susan Franke

UPTOWN PEOPLE'S LAW CENTER
4413 NORTH SHERIDAN • CHICAGO, IL 60640
773 • 769 • 1411 FAX 773 • 769 • 2224
June 26, 2007

Privileged Legal Communication

Mr. Brian Jones, K56957
Stateville Correctional Center
Route 53
P.O. Box 112
Joliet, IL 60434

Dear Mr. Jones:

Please be advised that we received your letter requesting representation. While we will not be able to represent you directly in this claim, we do work with several lawyers and firms who have expressed interest in taking on prisoner cases from time to time on a *pro bono* basis. However, since the information you provided to us is confidential, and protected by attorney client privilege, we can not share the details of your case with anyone without your permission. Therefore, you need to let us know if you want us to try and find a *pro bono* attorney to represent you in this claim.

To properly present your case, we must have copies of the documents at issue. Specifically, we need copies of all of the Disciplinary Reports, Adjustment Committee Summaries, PRB rulings, grievances, and ARB rulings which you have, along with any other documents which you think would help to explain your case. We understand that you may not have all of these documents, but the more documents you can give us, the more likely we are to be able to persuade an attorney to take on the case.

We need to emphasize that there is no guarantee that we will be able to find an attorney to represent you. There are various deadlines for filing different types of cases. You have not given us any details about your claim, and we have not investigated your potential claims. Therefore, we are not in a position to advise you which deadlines apply to your particular claims. If such a deadline is approaching, you should not wait for us—you should file something on your own immediately, so you do not miss any deadlines.

We look forward to hearing from you. Take care.

Sincerely,



Susan Franke

SF:es